FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception to permit a service garage (truck business rental) in a B.L. zone, pursuant to Section 230.13 of the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing at the hearing and represented by Ed Glusing, Jr., Esquire, was James A. Stiles, Sr., the property owner/Petitioner. Also appearing and testifying was James A. Stiles, Jr., who operates the business known as J & J Auto Supply of Harford Road, Inc. which exists on the site. Also appearing and testifying on behalf of the Petition was Brenda J. Klem of Rider Truck Rental, Inc. and Leonard T. Bohager, of Hicks Engineering Company, Inc. Mr. Bohager prepared the site plan to accompany the Petition, marked Petitioner's Exhibit No. 1. There were no Protestants present

Testimony and evidence presented by the Petitioner was that the subject site is approximately 1.149 acres (+/-) in gross area (.788 acres in net area) and is zoned B.L. It is located on the highly commercial corridor of Harford Road and encompasses the block between Scherer Avenue and Second Avenue. The site is improved by a one story block and glass building of approximately 7163 sq. ft. This building houses the J & J Auto Supply business. Also on the site is a smaller building of 1680 sq. ft.

which is the home of the Carney Dry Cleaning business. The balance of the property is largely an asphalt parking lot which accommodates 75 parking spaces. These exceed the 44.2 spaces required under the parking regulations set forth within the B.C.Z.R.

Mr. Stiles, Jr. testified that he has operated the auto supply business from this site for many years. The nature of the business is to sell auto parts and supplies to the general public. No repair or maintenance work is done on site. There are no repair bays or facilities on site for either minor or major repairs of motor vehicles. The site is geared strictly towards a retail use.

Notwithstanding the nature of the business, Mr. Stiles recalled that some time ago, a vehicle undergoing repair was temporarily stored on his parking lot. This temporary storage brought about a complaint from a residential neighbor and an inspection by the Office of Zoning Enforcement. When the Inspector visited the site, he further noted that the Petitioner operated a truck rental business from the premises. Although the vehicle being repaired was quickly removed and that the violation eliminated, the inspector informed the property owner that a special exception was need due to the truck rental operation.

At the hearing before me the Petitioner testified that due to the sophisticated nature of today's automobiles, self repair and maintenance is an increasingly diminishing practice. Thus, the need and demand for auto parts and supplies is not what it once was. To supplement his business, the Petitioner testified that he entered into an agreement with the Rider Truck Rental Company in December of 1990. This agreement permits him to be an agent for Rider and he leases the Rider trucks from the premises. Because of this activity, the use now on the property now falls within the definition of service garage, as provided within Section 101 of the B.C.Z.R. That is, the term "service garage" is defined as "a garage other than a residential garage, where motor vehicles are stored, equipped for operation, repaired, or kept for remuneration, hire or sale." (emphasis added). In that this use is permissible only in a B.L. zone by special exception, pursuant to Section 230.13 of the B.C.Z.R., the subject Petition

In the instant case, I have the benefit of considering the impact of this business which has been in place for over 1 year. That is, rather than try to estimate the potential impact of a proposed use, I am provided with the opportunity of reviewing the actual impact of the business as it has existed since its operation in December of 1990. In this regard, it is noted that no Protestants were present at the hearing. Additionally, attorney Glusing, who represented the Petitioner, also advised that his law office is immediately across the street from the site. He and Mr. Stiles offered uncontradicted testimony that the use does not adversely impact the subject locale in any manner. Further, testimony was offered that, with the abundance of parking spaces on site, as noted above, the storage of trucks is not a problem. That is, there has been no adverse parking and/or traffic congestion to the neighboring locale, nor the spill over of trucks to the surrounding residential side streets.

Further, the Petitioner testified that normally the business has no more than 6 to 8 Rider trucks on site. This was confirmed by Ms. Klem, the representative from the Rider company. The Petitioner noted that, occasionally, one-way trucks will be dropped off at his location, however, they are always removed within 24 hours by the Rider company. Also, no maintenance of the Rider vehicles is performed at this site, in that, he is neither

equipped nor permitted under his contract with Rider to maintain their vehicles. This was confirmed by Ms. Klem, the Rider representative.

As is the case with all zoning Petitions, the subject matter was referred for Zoning Advisory comments to the various agencies within Baltimore County. This specific comment from the Office of Planning and Zoning is noted. That office recommends denial of the subject Petition because the site plan "lacks essential information important to a detailed analysis of the proposed use." Although the plan is somewhat lacking, I am satisfied with the uncontradicted testimony presented at the hearing. Further, I find that the ongoing use is compatible with the surrounding locale. Moreover, to insure continued compatibility with the residences near this site, I shall impose certain restrictions with my Order.

Section 502.1 of the B.C.Z.R. sets forth the requirements which every special exception must meet in order to be granted. In the instant case, based upon the uncontradicted testimony and history of this use on the site, I am persuaded that the Petitioner has met this burden and that the special exception should be granted, with restrictions.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Counday of March, 1992 that the Petition for Special Exception for permission to use the herein described property as a service garage in a B.L. zone (truck rental), pursuant to Section 230.13, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

There shall be no repairs, either major or minor, including but not limited to oil change, lubrication, etc., of any vehicles on this site.

condition.

3. The Petitioner shall be limited to the storage of no more than 10 trucks on the site at any given time.

4. There shall be no storage of trucks other than on the subject property and not within the surrounding public streets, roads and alleys.

> LAWRENCE E. SCHMIDI Zoning Commissioner for Baltimore County

LES:mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 16, 1992

Edward J. Glusing, Jr., Esquire 9407 Harford Road Baltimore, Maryland 21234

> RE: Case No. 92-278-X Petition for Special Exception J & J Auto Supply of Harford Road, Contract Purchaser James A. Stiles, et ux, Legal Owners

Dear Mr. Glusing:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

cc: Mr. and Mrs. James A. Stiles, Jr., Mr. James A. Stiles, Sr.

Zoning Commissioner

Petition for Special Exception to the Zoning Commissioner of Baltimore County 42-278-X

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for 230 13 TO PERLY IT A SERVICE CATACT 11. + PL ZUNE (TRUCK KENTILL)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Current of Liters

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING -1/2HR. +(HR. AVAILABLE FOR HEARING MON./TUES./WED. - MEY'S AND AVAILABLE FOR HEARING DATE 1-16-12

DESCRIPTION TO ACCOMPANY SPECIAL EXCEPTION J&J AUTO SUPPLY 9400 HARFORD ROAD JANUARY 15, 1992

BEGINNING at a point on the northeast side of Second Avenue (50 feet wide) at the distance of 175.4 feet north west of the centerline of Harford Road, Maryland Route #147 (66 feet wide) and running thence with the northeast side of Second Avenue, 1) South 54°07'18" East 127.40 feet, thence binding on the taking line for Harford Road as shown on State Roads Commission Plat No. 46316, 2) North 35°34'54" East 2.85 feet, 3) thence by a line curving northeasterly to the left having a radius of 25.00, the distance of 27.87 feet along the arc thereof, 4) North 36°10'39" East 196.12 feet, 5) thence by a line curving northwesterly to the left having a radius of 25.00 feet, the distance of 31.63 feet along the arc thereof, 6) North 39°16'24" East 1.67 feet, 7) thence by a line curving northwesterly to the left having a radius of 25.00 feet, the distance of 6 feet more or less to the southwest side of Scherer Avenue (50 feet wide), thence binding thereon, 8) North 50°14'34" West 119.57 feet, thence leaving said road, 9) South 36°59'01" West 250.59 feet to the place of beginning

CONTAINING 0.78 of an acre of land more or less.



CERTIFICATE OF POSTING

Potitioner Jone 4 Fralyn Stiles + Ith July Supply Inc.
Location of property: W/S Harford Rd. at Second Atras
Groco Harford Rd Location of Signer Focing Harfort Rd , oppose 10 Fr. Youd way,

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing

NORTHEAST TIMES BOOSTER and the

5. Zete Orlon

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of_ weeks, the first publication appearing on 20

THE JEFFERSONIAN.

5. Zate Orlan

Baltimore County

Zoning Commissioner

County Office Building

111 West Chesapeake Avenue

Towson, Maryland 21204 Towson, Maryland 21204

Case Number: 98-279-X W.S Harland Read, NWC of Harland Read at Second Av 9400 Harland Read 9th Election District 9th Cauncilmenic Legal Owner(s): James A. Silins, Sr. & Evelyn G. Silins Contract Purchaser(s): J & J Auto Bupply of Harland Read, Inc. Hearing Date: Wednesday March 4, 1992 at 11:90 s.m.

Special Exception: to permit a service garage in a S.L. zone.

LAMPIENCE E. SCHMOT Zoning Commissioner of Bullimore County

4 fqieen

NORTHEAST TIMES REPORTER

Please Make Checks Payable To: Paitimore Count,

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

February 5, 1992

Edward J. Glusing, Esquire 9407 Harford Road Baltimore, MD 21234

RE: Item No. 292, Case No. 92-278-X Petitioner: James F. Stiles, et al Petition for Special Exception

Dear Mr. Glusing:

111 West Chesapeake Avenue

Towson, MD 21204

NOT NOTICE OF HEARING

The Z The Zoning Commissioner of Bellimore County, by authority of the Zoning Aci and Regulations of Bellimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-278-X
W. W.S. Harford Road, NWC of
He
Herford Road at Second Ave,
94 9400 Herford Road
98 9400 Herford Road
Contract Purchaser(s):
Janas A. Stiles
Contract Purchaser(s):
Ja J Auto Supply of
Herford Road, Inc.
Hearing Date: Wednesday,
March 4, 1992
at 11:00 a.m.

Sp. Special Exception: to permit a
service garage in a B.L. zone.

LAWRENCE E. SCHMIDT,
Zoning Commissioner of
Bettimore County
N/J. N/J/2/085 February 13.

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans' Advisory Committe Coments Date: February 5, 1992

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

> W. Carl Richards Coordinator

WCR: jw

Enclosures

cc: Mr. James Stiles, Jr. Mr. & Mrs. James Stiles, Sr.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

Baltimore County Government

Office of Planning & Zoning

Please be advised that \$ 100,01 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONTING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR

THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return smil to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your came number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or

(410) 887-3353

111 West Chesapeake Avenue

DATE: 2 25 92

9400 Harford Road

9400 Harford Road

Dear Petitioner(s):

ARMOLD JABLON

cc: Edward J. Glusing, Jr., Esq.

Baltimore, Maryland 21234

J&J Auto Supply of Harford, Inc.

W/S Harford Road, MWC of Harford Road at Second Avenue

Legal Owner(s): James A. Stiles, Sr. & Evelyn G. Stiles

Contract Purchaser(s): J & J Auto Supply of Harford Road, Inc.

your Order, immediate attention to this matter is suggested.

9th Election District - 6th Councilmanic

Towson, MD 21204

Office of Zoning Administration Office of Zoning Authorition and Development Management

111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Your petition has been received and accepted for filing this 16th day of January, 1992.

Zoning Plans Advisory Committee

Petitioner: James F. Stiles, et al

Petitioner's Attorney: Edward J. Glusing

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Weshington Avenue, Towson, Maryland 21204 as follows

CASE MURBER: 92-278-X W/S Harford Road, MWC of Harford Road at Second Avenue 9400 Harford Road 9th Election District - 6th Councilmanic Legal Owner(s): James A. Stiles, Sr. & Evelyn G. Stiles Contract Purchaser(s): J & J Auto Supply of Harford Road, Inc. HEARING: WEDNESDAY, MARCH 4, 1992 at 11:00 a.m.

JANUARY 28, 1992

Special Exception to permit a service garage in a B.L. zone.

Zoning Commissioner of Baltimore County

cc: James A. Stiles, Jr. J & J Auto Supply of Harford, Inc. Edward J. Glusing, Jr., Esq.

92-278-7 Much 4th

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: February 10, 1992 TO: Arnold Jablon, Director Zoning Administration and Development Management

FROM: Gary L. Kerns, Chief Comprehensive and Community Planning Office of Planning and Zoning

SUBJECT: Stiles Property, Item No. 292

In reference to the applicant's request, staff offers the following comments:

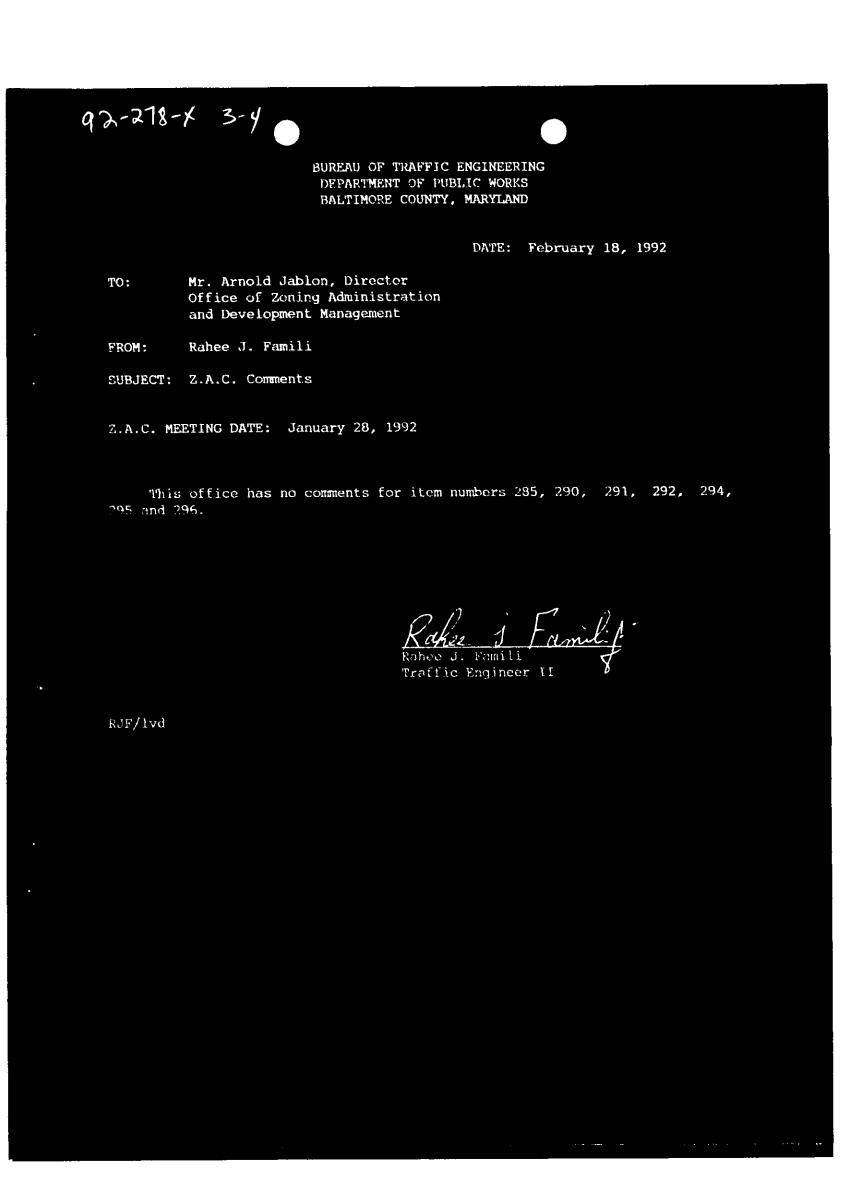
The site plan lacks essential information important to a detailed analysis of the proposed use. For example, no indication is provided regarding how many trucks would be stored, and where they would be parked on the site. In addition, the issue of parking in a residential zone is not addressed through the provision of a detailed zoning history.

Based upon the information provided and the analysis conducted, staff recommends that the Petitioner's request be denied due for the following reasons: The proposed use is incompatible with the existing residential development, it is located too close to residential property, and cannot be affectively screened to mitigate

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

Report prepared by:

GLK/JL:rdn STILES/TXTROZ



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

Zoning Advisory Committee Meeting for January 28, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 285, 289, 290, 291, 293, 294, 295 and 296.

For Items 286 and 292 County Review Group Meetings will

ROBERT W. BOWLING, F.E., Chief Developers Engineering Division

For Item 297, the previous County Review Group Comments still remain valid.

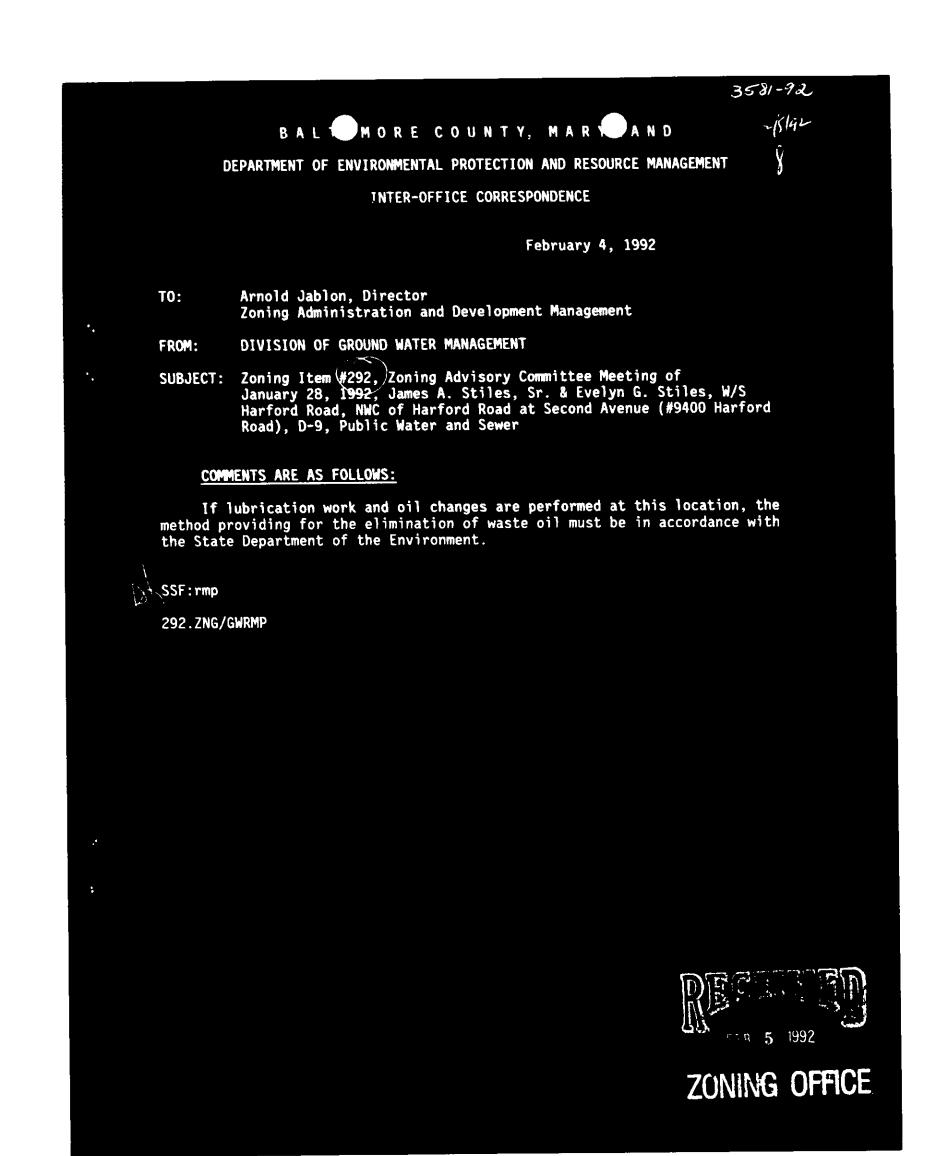
FROM: Robert W. Bowling, P.E.

TO: Arnold Jablon, Director DATE: February 13, 1992 Zoning Administration and Development Management

92-278- 3-4

be required.

RWB:s



PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET	
NAME /	ADDRESS
BRENDAS VIEW (Rider)	920 S. BRUNSWICK ST. DZZZ
BRENDAS. KLEM (Kiden) JAMES 11. St. lei Se	17 KILGIASS Ct. Hot 102 212053
LEONARD T. BOHAGER (HICKSENGINEERING CO. INC.)	200 E. JOPPA RD TOUSON 21204
	0/12/1/ [18/ 2/224
Ed Glusny, Ur. Esq	9467 Harton Rd 21234

